

# Missouri Tobacco Use Prevention Program

An online publication from the Missouri Department of Health & Senior Services, Division of Community Health, Health Promotion Unit, 920 Wildwood, Jefferson City, 65102 (573) 522-2820. AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER. Services provided on a nondiscriminatory basis. This publication may be provided in alternative formats such as Braille, large print or audiotape by contacting the Health Promotion Unit. TDD users can access the above telephone number by calling 1-800-735-2966. Supported by cooperative agreement # U1A/CCU716957-04 from the U.S. Centers for Disease Control and Prevention (CDC).

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Winter, 2004



# Update

## The many lives of clean indoor air in the capital city

by Jim McDonald

**T**he story of the Jefferson City Clean Indoor Air Ordinance is a convoluted one, which no doubt means it is typical. To sum it up in a catchy phrase, you'd have to amend a Yogi Berra aphorism: "It ain't over, 'til it's over," would have to be embellished

to something like, "Even when it's over, it ain't necessarily over."

The four-month lifespan of this ordinance runs from conception to public comment, to council debate, then to council vote, to mayoral veto, then back to a council vote that failed to override the

mayoral veto; then to be reintroduced with referendum language, and defeated again. But a funny thing happened on the way to the short life of this ordinance: it became one of the hottest issues in the local press and many people got an education, whether they wanted one or not.

The importance of this issue might best be indexed by its rank in a special end-of-the-year "Trends" section of the Jefferson City News Tribune. The paper's editors arranged stories covered by the paper in 2003 according to their impact on the community. At number four was the campaign for and against Jefferson City's Clean Air ordinance introduced by the title, "Smoking lights up controversy." The News Tribune editors ranked the ordinance story just behind the story of a murder and escape scare at the state penitentiary, which was number three, and just ahead of the story of local soldiers being deployed to the nation's war in Iraq. As of this writing, in four short months, Jefferson City's ordinance has generated 12 front-page articles, four op-ed



### One picture's worth—

*Jefferson City Councilman Roy Viessman (center) speaks to the press about the importance of protecting the public from the dangers of secondhand smoke. This photo-op occurred at the Partnership/ACS Great American Smoke Out press conference to recognize the smokefree policy of Lee's Famous Recipe Country Chicken, 1550 Missouri Blvd., Jefferson City. Councilman Viessman would later vote against Jefferson City's clean indoor air ordinance.*

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pieces, four editorial cartoons, and 40 letters-to-the-editor.

The letters ran almost evenly for and against the ordinance while it was being debated. After the ordinance passed, however, letter writers supported the measure more often than they opposed it (14 for, 9 against). And although the mayor's veto of the passed ordinance was not overridden, the public outcry against that veto was considerable. So considerable, in fact, that in their January 14 edition the News-Tribune reported that the ordinance would likely go to a vote of the people in the next city election, April 6.

But it won't happen. On January 20, by a vote of 4-4, the Jefferson City Council defeated the referendum that would have put the ordinance to a vote of the people.

But the genie is out of the bottle, and Jefferson City residents know a lot

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Inside

## West Plains

### **HOPE Team celebration kicks off OMC tobacco-free policy**

by Ann Marie Newberry  
Advertising/Marketing Manager  
Ozarks Medical Center

Approximately 40 individuals attended the Ozarks Medical Center Healthy Options for People and Environments (HOPE) Team celebration held in conjunction with the American Cancer Society's Great American Smoke-Out Nov. 20. The event served as the kick-off for OMC's organizational tobacco-free policy.

OMC President and CEO Phil Bagby addressed the group,

sharing health-related smoking statistics, appreciating the HOPE Team's efforts and thanking community partners. Bagby stated that Nov. 20 marks the implementation date for the tobacco-free policy at OMC. The policy was developed by the HOPE Team and states: Smoking or the use or sale of tobacco products (cigarettes, cigars, chewing tobacco, snuff, pipes, etc.) is prohibited in or on all OMC owned or leased buildings,



*Ozarks Medical Center President and CEO Phil Bagby addressed more than 40 individuals during the OMC Healthy Options for People and Environments (HOPE) Team celebration, Nov. 20. Bagby recognized the efforts of OMC HOPE Team members and applauded tobacco-free community partners, including: Ozark Radio Network; Air Evac Lifeteam; Great Rivers Distributing; University of Missouri Outreach and Extension Office; Samaritan Outreach; and, Century Bank of the Ozarks.*



*Roc Doc Steve Eskin, MD, of Ozarks Medical Center (OMC) Digestive Disease Specialists, captured the tobacco-free message in song during the OMC Healthy Options for People and Environments (HOPE) Team celebration, November 20. Dr. Eskin performed his original song, "Puey Uncle Louie," about a boy who is offered a cigarette by his uncle.*

grounds, parking lots, ramps, plazas, vehicles and sidewalks adjacent to OMC properties.

Kim Sullivan, OMC pulmonary rehabilitation coordinator, also spoke and was joined by several patients from the pulmonary rehabilitation program who support OMC in its tobacco-free effort. The event was highlighted by a musical performance by Roc Doc Steve Eskin, MD, who performed his original song, "Puey Uncle Louie."

To assist individuals affected by the policy change, OMC is offering Freedom from Smoking courses at locations throughout the region. The classes are designed to help people who have decided to quit smoking

and are conducted by American Lung Association certified instructors.

The five-week, six-session cessation course provides tools and techniques to help attendees understand the smoking habit, identify methods of quitting and learn how to maintain a smoke-free lifestyle. The enrollment fee is \$15, which covers the cost of the workbook. Additional information regarding course dates and locations is available by calling OMC Education Services at

417/ 257-6793.

For information regarding the OMC HOPE Team or the tobacco-free policy, call OMC Public Relations at

417/ 257-6735. ■

## **Jefferson City ordinance**

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more about the harmful effects of secondhand smoke and have a much better idea of where their friends and neighbors stand on the issue. It would no doubt be instructive and helpful for activists in other communities to study the genesis of this landmark measure seeking to clean some of the smoke-filled rooms in our state's capital city. To help explain the machinations of the Jefferson City Clean Air Ordinance, the state health department's Tobacco Use Prevention (TUP) staff have constructed a chronology of its life, death, reincarnation, then supposed re-killing.

November, 2002—The TUP staff had received so many complaints about smoking in Jefferson City restaurants that the Cole County Health Department invited interested parties to organize a local coalition to address clean indoor issues. This was the genesis of the Cole County Partners for Clean Air.

A previous survey of Cole County restaurants served as a basis for planning the education of the dining public about the dangers of secondhand smoke. One of the first documents produced was a smoke-free dining guide. Besides a listing of area smoke-free restaurants, the guide provided facts and data about secondhand smoke.

March, 2003—One of the short-term goals of the coalition was to educate the public and seek voluntary adoption of smoke-free policies at local businesses. An informal survey of restaurant seating records indicated that five out of six customers preferred a smoke-free section rather than either smoking or first-available.

The seating-preference survey was developed into a press release that was picked up by all the local media. A coalition spokesperson was a guest on a radio call-in show and several of the callers commented that there should be a city ordinance for smoke-free restaurants. One of the callers, Clyde Angle, happened to also be a city councilman. While he was on the air, Councilman Angle offered to sponsor a smoke-free ordinance. Making such a public comment led to the councilman receiving many calls from his constituents to pursue it.

April—The Cole County Commission issued a proclamation for Kick Butts Day. All area media turned out. The message leaned heavily on the dangers of secondhand smoke.

Councilman Angle was anxious to introduce an ordinance, because of pressure from his constituents. Members of the coalition, being quite new to the game, urged him to allow more time for public education and grassroots development. But Councilman Angle needed progress, so they gave him a model for an ordinance promoted by

the national advocacy group, Americans for Nonsmokers Rights. Angle relayed this model to the city attorney for development into the city code format. This particular model dictated that all public places be smoke-free.

August—An owner of a popular local restaurant was a guest on a local radio call-in show. His position was that the real issue was economic harm, not public health.

September—Coalition spokespersons delivered the first testimony about the dangers of secondhand smoke to the city council.

The ordinance is introduced to the city council. The mayor schedules two public comment periods. During these public comment periods, the opposing sides become well established. In opposition to the ordinance are registered lobbyists for tobacco, convenience stores and restaurant associations; also speaking in opposition are several private citizens who identify themselves as smokers and the owner of a local bowling alley. In support of the ordinance are representatives of the American Cancer Society and the American Heart Association, physicians, parents, and a former restaurant employee.

October-November—The ordinance is the topic of several radio call-in shows. Regular guest antagonists are councilman Angle, who supports the ordinance, and a lobbyist for the

convenience store industry, who opposes it. Other guest formats feature debates between the convenience store lobbyist and various members of the Cole County Coalition.

The Clean Air Ordinance also was a hot topic on the pages of the local newspaper, the *Jefferson City Post-Tribune*. The newspaper coverage featured many letters-to-the-editor, one full-page side-by-side op-ed column with arguments for both sides, and at least one front-page article almost weekly. Editorials started out in favor of voluntary policies, but slowly changed to endorse an ordinance.

To the local press' credit, the coverage was balanced except for the newspaper's editorial cartoonist, who lampooned the ordinance and its supporters with every offering. The cartoonist was one Cole County resident who could never get past the personal freedom issue and never offered any time to the public health argument.

During this time of much public discourse, there also was a great amount of behind-the-scenes activity. Coalition activists spent the lion's share of their energy debunking half-truths and misrepresentation of data coming from opponents of the ordinance. The main arguments from the opposition were familiar ones: junk science, government interference, erosion of freedoms, assaults on

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## **Increasing our advertising mileage**

These two advertisements appear to be identical, but look closer. They are different ads promoting smoke-free restaurants in newspapers from different towns. Due to advertising cost differentials, they also were printed in different sizes. The one on the left promoted smoke-free dining in Kirksville; the one on the right promoted smoke-free dining in St. Joe.

Modifying these ads to fit different markets, different budgets, and different publishing deadlines was possible, and inexpensive, because the ad was created in-house by the DHSS Tobacco Prevention Program staff.

# **Jefferson City ordinance**

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free market principles, and the trump card: impending economic doom. And in the midst of all this, the opposition used another staple of their arsenal: wining and dining. The Missouri Restaurant Association combined with the owner of a local eatery to host all the council members for a lunch-n-lobby to press their case against the need to protect the public from secondhand smoke.

Then came the march of the alternate bills: restaurants would either be completely smoke-free or exclude persons under the age of 18; all smoking restaurants would be forced to have elaborate, and costly, ventilation systems; the law would apply only to restaurants with the attendant Byzantine definitions of what constitutes a restaurant. This back-and-forth,

with no foreseeable end in sight, compelled the mayor to ask the council to find a compromise and suggested scaling back the ordinance so that it applied only to restaurants, allowing those that would opt for ventilation systems

By this point, some of the council members had done their own research and concluded that no level of secondhand smoke would be acceptable. Other council members, however, did no research and accepted pro-tobacco arguments about junk science and the predominance of freedom of choice.

December 16—  
“Smoke-free ordinance  
passes”

December 22—  
“Mayor vetoes clean air  
ordinance”

January 6—

**"Smoking veto upheld; public vote may decide issue"**

The above are three headlines from the Jefferson City Post-Tribune, spanning a three-week period in the life of the capital city's

clean air ordinance—  
they pretty much say it  
all.

Those headlines represent a lot of back-and-forth and give-and-take. These things usually come down to arithmetic. There were 10 council members. It takes six votes to pass an ordinance, but seven is needed to make it veto-proof. The final vote was six in favor of the ordinance, and four opposed. The mayor's veto was not overridden, and the post-vote maneuvering began.

The original ordinance was reintroduced, and then replaced with a re-worked version of the third version of the ordinance, which removed ventilation and added a referendum that would let the voters decide. But the sponsor of the re-introduced bill was unable to secure the needed votes and the bill was voted down. Even the original bill sponsor voted against the bill as it had been watered down too much, had substantial changes, and

did not permit sufficient time for the voters to become educated before the next election.

After the council adjourned, various council members observed that this vote did not signify the death of a smoke-free Jefferson City, but was merely a pause to allow regrouping, grassroots development, and education to business owners and the public. They full expect to consider the issue in the future. Even a tobacco lobbyist who often testified against the ordinance summed up one of his arguments with an ironically poignant appraisal of the viability of Jefferson City's Clean Indoor Air Ordinance: "This thing," he said referring to the ordinance, "is harder to kill than Dracula."

For no doubt the first, and probably the last, instance clean-indoor-air advocates agree with that tobacco lobbyist. And not even Yogi Berra could have said it better.